

REMARKS

By the foregoing Amendment, Claims 1 and 13 have been currently amended.
Favorable consideration of the application is respectfully requested.

Claims 1-3, 5-10, 12-14, 16-21 and 23 were rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Nelson et al. The Examiner advised that the claims should be amended to clarify the function of the electrically conductive element. The Examiner took the position that the claims did not teach or suggest that the electrically conductive element is used to provide heat and/or electrical energy to the desired treatment site.

Claims 1 and 13 accordingly have been amended to recite "a heating catheter shaft having a proximal end and a distal end, said heating catheter shaft including at least one electrically conductive member for providing resistive heating." It should now be clear that the function of the electrically conductive member of the heating catheter shaft is to provide resistive heating, so that the guide member of Nelson et al. does not correspond to the electrically conductive member of the invention, and the electrode of Nelson et al. does not correspond to the reinforcing tube of the invention. It is respectfully submitted that Nelson et al. does not teach, disclose or suggest a heating catheter shaft with at least one electrically conductive member for providing resistive heating, and a reinforcing tube attached to the heating catheter shaft with the heating catheter shaft extending through the reinforcing tube, and the reinforcing tube having a surface defining a plurality of apertures to provide variations in stiffness along the length of the heating catheter shaft. It is therefore respectfully submitted that the claims are novel and inventive over Nelson

et al., and that the Examiner's rejection of the claims on the grounds of anticipation by Nelson et al. should be withdrawn.

Claims 4 and 15 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Nelson et al. in view of Mueller. It is respectfully submitted that Mueller also does not does not teach, disclose or suggest a heating catheter shaft with at least one electrically conductive member for providing resistive heating, and a reinforcing tube attached to the heating catheter shaft with the heating catheter shaft extending through the reinforcing tube, and the reinforcing tube having a surface defining a plurality of apertures to provide variations in stiffness along the length of the heating catheter shaft. It is therefore respectfully submitted that Claims 4 and 15 are also novel and inventive over Nelson et al. and Mueller, and that the rejection of Claims 4 and 15 on the grounds of obviousness from Nelson et al. in view of Mueller should be withdrawn.

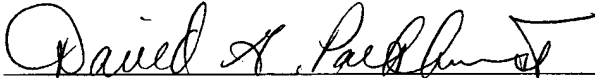
Claims 11 and 21 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Nelson et al. in view of Nardella. It is respectfully submitted that Nardella also does not does not teach, disclose or suggest a heating catheter shaft with at least one electrically conductive member for providing resistive heating, and a reinforcing tube attached to the heating catheter shaft with the heating catheter shaft extending through the reinforcing tube, and the reinforcing tube having a surface defining a plurality of apertures to provide variations in stiffness along the length of the heating catheter shaft. It is therefore respectfully submitted that the rejection of Claims 11 and 21 on the grounds obviousness from Nelson et al. in view of Nardella should be withdrawn.

Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the references actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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